Appl. No. 10/098,586
Amdt. dated May 12, 2008
Reply to Office Action of February 11, 2008

PATENT

REMARKS/ARGUMENTS

Before this Amendment, claims 1-7 and 18-23 were present for examination. Claims 1 and 18 are amended. No claims are canceled or added. Therefore, claims 1-7 and 18-23 are present for examination, and claims 1 and 18 are the independent claims. No new matter is added by these amendments.

This amendment is being submitted in conjunction with a Request for Continued Examination under 37 C.F.R. § 1.114. Applicants respectfully request reconsideration of this application as amended.

Interview

Applicants thank Examiner Chandler and her supervisor Mr. Patel for the cordial and productive interview conducted with Applicants' representative Mr. David W. Boyd on April 30, 2008. At that interview, independent claims 1 and 18 were discussed, in light of the requirements for statutory subject matter, and in light of the Ericksen reference cited in the pending office Action.

As a result of the interview, claims 1 and 18 have been amended to clarify that the decision engine is computerized, and to specify that an account parameter is changed as a result of performing the method of claim 1 or operating the system of claim 18. These amendments clarify that the decision engine is a machine, and that the invention produces a useful, concrete, and tangible result. Claim 18 has also been amended to clarify that the claimed system implements the process of claim 1.

Applicants also presented arguments pointing out differences between the claimed invention and the methods described in the Ericksen reference, and those arguments are formalized below.

As requested, support for the amendments made by this paper is detailed below.

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Support for Amendments

Claim 1 has been amended to specify that the decision engine is computerized. This amendment finds support in the specification at least in paragraph [38] and in Figure 1.

Claim 1 has been amended to include the limitation that *at least one of the account attributes relates to historical usage of the account.* Other amendments to claim 1 include adding the element of *providing to the computerized decision engine account history information about the financial account* and making explicit that *the computerized decision engine determines the result by applying the decision criteria to the account attributes and the account history information.* These amendments to claim 1 find support in the specification at least in paragraphs [36] and [37].

Claim 1 has also been amended to include the step of *changing at least one parameter value of the financial account in response to applying the method override.* This amendment finds support in the specification at least in paragraphs [15], [31], [32], and [33].

System claim 18 has been amended to conform to the process claimed in claim 1, and these amendments to claim 18 accordingly find support at least in claim 1. For example, the decision criteria are provided to the decision engine when the decision engine communicates with the second data store and retrieves them. Similarly, the account attributes and history information are provided to the decision engine when the decision engine communicates with the first data store and retrieves them. There result indicating whether to apply a method override is obtained when the decision engine generates it.

Rejection under 35 U.S.C. § 102(e)

The Office Action has rejected claims 1-7 and 18-23 under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Pat. Publ. No. 2002/0123969 ("Ericksen").

Claims 1-7

Claim 1 recites a *method for using a computerized decision engine to adjust parameter values of a financial account.* A decision engine is given various account attributes and decision criteria, and indicates whether to apply a method override. At least one of the account attributes relates to a history of the financial account.

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By contrast, Ericksen describes a system for offering customized consumer loans. The offered terms are customized for a particular applicant based on information gathered in a credit application, and "historical and/or projected statistics for similarly situated [other] customers." *See Ericksen Abstract, paragraph [0049]*. Ericksen computes the loan parameters that are expected to give an acceptable rate of return. *See Ericksen paragraph [0056]*. The result of Ericksen's calculation is a set of terms to be offered to a customer. *See Ericksen Figures 4-6*.

There is accordingly a fundamental difference between Applicants' claimed invention and the system of Ericksen.

Applicants' system and method operate to adjust the parameters of a financial account that has a history -- that is, an existing account for which *account history information* is available.

Ericksen is entirely concerned with attempting to predict the result of offering a customer a new loan or credit account. Ericksen is completely silent about what happens after the loan is offered, and makes no provision for adjusting the loan parameters during the life of the account based on the ongoing history of that account. Ericksen's method does not consider the history of the particular account, because no history yet exists. See for example Figures 4-6 of Ericksen, wherein a calculated price is offered to a customer as the last step in the illustrated processes.

Ericksen therefore lacks several element of Appliants' claim 1. Ericksen does not use *decision elements corresponding to account attributes of the financial account,* ***wherein at least one of the account attributes relates to historical usage of the account***. Ericksen does not *provid[e] to the computerized decision engine* ***account history information about the financial account***. And Ericksen does not include a decision engine that *determines the result by applying the decision criteria to the account attributes* ***and the account history information***.

Ericksen also does not *apply[] [an] associated method override to the financial account in response to a result indicating that the associated method override is to be applied,* because this operation is by nature applicable only to an existing account.

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Because Ericksen does not disclose, either expressly or inherently, each and every element of Applicants' claim 1, claim 1 is not anticipated by Ericksen. Claims 2-7 depend from claim 1 and add further limitations, and are therefore also not anticipated for at least this reason.

Claims 18-23

Claim 18 as amended recites in part *a first data store for storing financial account data for the financial account ...wherein the financial account data ... includes **account history information**; a second data store for storing decision criteria for determining whether to apply a method override to the financial account **based on the account history information** ... and a computerized decision engine configured to ...generate a result **based on the ... account history information** ... indicating whether a method override should be applied to the financial account, and ... apply[ing] the method override to **the financial account**.* As is explained above with respect to claim 1, Ericksen does not contemplate using **account history information** to make adjustments to the processing of the account whose history is in the account history information.
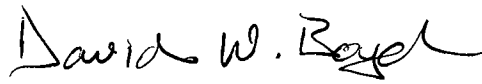
The Office Action rejects claim 18, citing "Ericksen, abstract, Figs. 1-8, Tables 1-9; [0001]-[0063]" as disclosing *the financial account date further including account history information. Paper 020508 page 5.* As is explained above with respect to claim 1, Ericksen is concerned with determining the terms of a offer to a customer, and does not relate to an account with *history information.* Because Ericksen does not disclose all of the elements of claim 18, claim 18 is not anticipated by Ericksen. Claims 19-23 depend from claim 18 and add further limitations, and are therefore also not anticipated for at least this reason.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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